

01-30-04

1651

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/966,982	
	Filing Date	September 27, 2001	
	First Named Inventor	Lori J. LEHMAN	
	Group Art Unit	1651	
	Examiner Name	D. Ware	
Total Number of Pages in This Submission		Attorney Docket Number	311412001820

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form - 1 pg IN DUPL <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply - RESPONSE TO OFFICE ACTION MAILED 7/30/03 - 19 pgs <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request - 1 pg <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer - 1 pg <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) 1. Statement Regarding Biological Culture Deposit Under 37 CFR §1.808 - 3 pgs POSTCARD
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual Name	Timothy A. Worrall (Reg. No. 54, 552) MORRISON & FOERSTER LLP	CUSTOMER NO. 20872
Signature		
Date	January 28, 2004	

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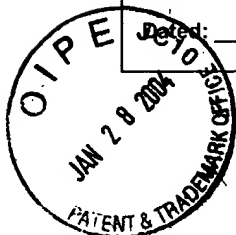
Dated:

1/28/04

Signature:

(LILIA OLSEN)

Docket No.: 311412001820
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Lori J. LEHMAN, *et al.*

Application No.: 09/966,982

Group Art Unit: 1651

Filed: September 27, 2001

Examiner: D. Ware

For: NOVEL STRAIN OF *STREPTOMYCES* FOR
CONTROLLING PLANT DISEASES

STATEMENT REGARDING BIOLOGICAL CULTURE DEPOSIT

UNDER 37 CFR §1.808

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants' attorney, on behalf of Applicants, hereby declares that the strain of *Streptomyces sp.* deposited under the Budapest Treaty with the Agricultural Research Service Patent Culture Collection, Northern Regional Research Center (1815 University Street, Peoria, IL 61604 USA) and assigned Accession Number B-30145 will be irrevocably and without restriction released to the public upon issuance of a patent in the present patent application.

Application No.: 09/966,982

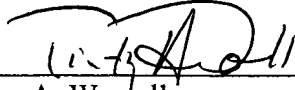
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Docket No.: 311412001820

Dated: January 28, 2004

Respectfully submitted,

By



Timothy A. Worrall

Registration No.: 54,552

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BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO
AgraQuest, Inc.
1530 Drew Avenue
Davis, CA 95616

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

NAME AND ADDRESS
OF DEPOSITOR

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR:

Actinomyces sp. AQ4800

Accession number given by the
INTERNATIONAL DEPOSITARY AUTHORITY:

NRRL 30145

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

☒ a scientific description

☐ a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on June 18, 1999 (date of the original deposit)¹

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I. above was received by this International Depositary Authority on _____ (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion).

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: Agricultural Research Culture
Collection (NRRL)
International Depositary Authority

Address: 1815 N. University Street
Peoria, Illinois 61604 U.S.A.

Signature(s) of person(s) having the power
to represent the International Depositary
Authority or of authorized official(s):

Date:

J. L. Svejnar
7-20-99

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.